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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,654	10/22/1999	JOSEPH H. MATTHEWS III	3797.84665	5815

28319 7590 08/27/2004

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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/422,654

Applicant(s)

MATTHEWS ET AL.

Examiner

Ba Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-48 and 58-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-48 and 58-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BA HUYNH
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 40-48, 58-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,463,727 (Wiggins et al).

- As for claims 40, 43, 46: Wiggins et al teach a computer implemented system and corresponding method for highlighting a current menu selection. A menu screen 10 comprising a list of menu options is displayed on the screen. Each menu option resides in a rectangular shape 11-16 (col. 3, lines 19-24; figure 1). Menu option 16 being the current selection. Each of the rectangular shape is separated from an adjacent shape by a spacing distance. Wiggins et al fail to clearly teach that the spacing distance is based on border parameters. However Official Notice is taken that implementation of spacing distance based on border parameter is well recognized in the art and being known as Cellspacing and Cellpadding (See attached cited references). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of Cellspacing and Cellpadding to Wiggins' menu interface for controlling the spacing distances between the rectangle based on border parameters. Motivation of the combining is for the advantage of having a dynamic menu configuration. In light of the combination, the border parameters being adjustable and being selected from a group consisting of x-border parameter, y-border parameter, and width parameter. Responsive to a selection input to rectangular shape 16 (col. 3, lines 24-27), for enlarging the size of the rectangle 16, and for controlling the display to display

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the enlarged shape surrounding the current selection (col. 3, lines 27-33). The size of rectangle 16 is enlarged by displaying a frame 17 surrounding the rectangle 16. The storing of the menu screen is inherently included in Wiggins in order for the screen to be displayed. Wiggins et al fail to clearly teach that the menu screen 10 is displayed responsive to a Start or Menu button. However implementation of displaying a list of menu responsive to a start or menu button is well known in the art of menu interfaces. It would have been obvious to one of skill in the art, at the time the invention was made, to implement a Start or Menu button to Wiggins et al for displaying the menu screen 10 in response to the activation of the Start or Menu button. Motivation of the implementation is for displaying or returning to the menu screen from different states of operation.

- As for claims 41, 44, 47: The shape is a rectangle (figure 1).
- As for claims 42, 45, 48: It is inherently included that the main menu and its menu options are registered with the microprocessor such that it can be controlled by the processor.
- As for claims 58, 61, 64: It is inherently included in Cellspacing that the value of the width parameter exceeds the value of the x-border parameter and the y-border parameter.
- As for claims 59, 62, 65: It is inherently included in Cellspacing that the value of the x-border parameter and the y-border parameter can be set to zero so that the menu are juxtaposed.
- As for claims 60, 63, 66: It is inherently included in Cellspacing that the value of the width parameter can be set so that the enlarged shape surrounding the current selection overlaps the adjacent menu.

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Response to Arguments

2. Applicant's arguments with respect to claims 40-48, 58-66 have been considered but are moot in view of the new ground(s) of rejection.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
8/21/04

BA HUYNH
PRIMARY EXAMINER